



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 19, 1998

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR98-0761

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113964.

The Texas Department of Public Safety (the "department") received a request for information concerning a particular administrative inquiry into a complaint against Trooper Bonnie K. Moore and Trooper John V. Cabano. You assert that the requested information is excepted from required public disclosure based on sections 552.103 and 552.108 of the Government Code.<sup>1</sup>

Section 552.108 of the Government Code reads in part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

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<sup>1</sup>The department has not explained the applicability of section 552.103 to the requested information. If a governmental body does not establish how and why an exception applies to the requested information, the attorney general has no basis on which to pronounce it protected. Open Records Decision No. 363 (1983).

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the requested information relates to an ongoing criminal investigation. We therefore believe the department has established that the release of the information would interfere with the detection, investigation or prosecution of crime. Section 552.108 is inapplicable to "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). We believe such "basic information" refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic information, the department may withhold the requested information from the requestor based on section 552.108(a)(1) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 113964

Enclosures: Submitted documents

cc: Mr. Danny W. Robinson  
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Desoto, Texas 75115  
(w/o enclosures)